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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,950	06/25/2003	Lonnie L. Lawrence	LAWR.7	3144
38055	7590	09/29/2005	EXAMINER	
TIM COOK P.O. BOX 10107 LIBERTY, TX 77575			MORAN, KATHERINE M	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/603,950	Applicant(s) LAWRENCE	
	Examiner Katherine Moran	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-10,14 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-10,14 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment of 8/29/05 has been received and reviewed. Applicant amended claims 1, 3-5, 7-10, 14, and 18-21, and cancelled claims 2, 11, 12, 15-17, 24, and 25. Claims 1, 3-10, 13, 14, and 18-23 are pending, with claims 24 and 25 withdrawn as being non-elected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3-7, 10, 13, 14, 18, and 20-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Lawrence (U.S. 6,655,558). Lawrence discloses the invention as claimed. Lawrence teaches a wearable ornamentation 10 that simultaneously grips the top and bottom surfaces of a hat type visor having a thickness comprising: a flexible and reversible ornamental strand 16 having first and second ends and first and second ornamental, releasably attached, and molded sphere end members 12,14 attached to first and second ends of the strand, respectively, wherein the strand and respective end members define a gap between the plate ends, less than the thickness of the visor, as is apparent by the fact that the visor is held between the two ends. The ornamental end members and strand are formed from polymers. The second end member is illustrated

as being positioned on the top surface of the visor, but could be manipulated to be positioned on the bottom surface of the visor if desired. The ornamental strand 16 is a "U" shaped, expandable coil or plate along at least a portion of its length as shown in Figure 5, including an eyelet 34 on one end to releasably attach an additional ornamental member with a back adapted to snap into the eyelet. Lawrence teaches in col. 5, lines 46-49 that the strand could include other means of attaching an ornament such as a threaded hole to releasably attach a second ornamental member with a nail type back adapted to slip into the catch plate. The end of the coil includes a post or nail lapel pin to releasably attach the second ornamental end member with a hole 26 adapted to slip onto the post as shown in Figures 1-3. With regard to claim 10, at least one of the ornamental end members 30 is a three-dimensional object. The ornamental strand 16 is reversible in that it may be reversed in position. With regard to claims 20 and 21, the end members could be used for a logo or advertising. The recitations of claims 20 and 21 are intended use recitations of the end members and as such, are not given patentable weight.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence '558 in view of Knutson '970. Lawrence discloses the invention substantially as claimed. However, Lawrence does not teach an end member that is a sphere with a picture on a flattened surface. Applicant's specification does not disclose that this particular design provides an advantage or solves a stated problem. Knutson teaches a circular end member 22 with a picture on a flattened surface. Therefore, it would have been an obvious design choice at the time the invention was made, to modify Lawrence's sphere with a flattened surface having a picture, in order to convey a particular message or visual effect.

Response to Arguments

5. Applicant's claim amendments define over the prior art of Knutson and Siekerski and these rejections have been withdrawn.

Applicant has presented arguments drawn to the believed deficiencies of Lawrence '558. The only structural feature specifically pointed to in the arguments that Applicant believes Lawrence fails to teach is that the present invention teaches ends positioned on opposite sides of the visor, while Lawrence teaches and illustrates the ends both positioned on the top side of the visor. Since the device is removable from the visor, the positioning of the visor and the ends could be modified as desired and Lawrence's structural configuration certainly allows for different positioning. Applicant's arguments with regard to the 35 USC 103(a) rejection over Lawrence in view of Knutson are predicated on the Lawrence reference, addressed above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (703) 872-9306. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

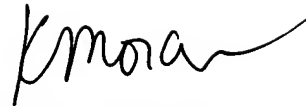
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 21, 2005

A handwritten signature in black ink, appearing to read 'K Moran', with a stylized, flowing script.

Katherine Moran

Primary Examiner, AU 3765